(*b*) in the case of an appeal against a rateable value, a complaint has previously been made to the Commissioner under section 163, and such complaint has been disposed of;

(*c*) in the case of an appeal against any amendment made in the assessment-book under section 167 during the official year, a complaint has been made by the person aggrieved within fifteen days after he first received notice of such amendment, and his complaint has been disposed of;

(*d*) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value after a bill for any property-tax assessed upon such value has been presented to the appellant, the amount claimed from the appellant has been deposited by him with the Commissioner.

Cause of complaint when to be deemed to have accrued.

218. For the purposes of the last preceding section, cause of complaint shall be deemed to have accrued as follows, namely—

(*a*) in the case of an appeal against a rateable value, on the day when the complaint made to the Commissioner under section 163 against such value is disposed of;

(*b*) in the case of an appeal against any amendment made in the assessment-book, under section 167, during the official year, on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of;

(*c*) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is presented.

Unappealed values and taxes and decisions on appeal to be final.

219. (*1*) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and

the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and

the decision of the Chief Judge aforesaid upon any appeal against any such value or tax,

shall be final.

(*2*) Effect shall be given by the Commissioner to every decision of the said Chief Judge on any appeal against any such value or tax.

CHAPTER IX.

DRAINS AND DRAINAGE-WORKS.

Municipal Drains.

Municipal drains to be under the control of the Commissioner.

220. All drains [1][vesting in or] belonging to the corporation—which in this Act are referred to as "municipal drains"—shall be under the control of the Commissioner.

[1] These words were inserted by s. 10 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[1] [**220A.** (*1*) Any natural water-course heretofore belonging to His Majesty by which rain-water or drainage of any kind is carried, may, on application to Government made by the Commissioner with the previous approval of the standing committee, be vested in the corporation : Provided that— Vesting of water-courses.

(*a*) it shall be in the discretion of Government in each case to determine whether a particular water-course so applied for shall be so vested, and

(*b*) a resolution of Government declaring that a water-course so applied for may be made over to the corporation shall, from the date thereof, operate to vest such water-course in the corporation.]

[2] [**221.** (*1*)] The Commissioner shall maintain and keep in repair all municipal drains and, when authorized by the corporation in this behalf, shall construct such new drains as shall from time to time be necessary for effectually draining the city. Drains to be constructed and kept in repair by the Commissioner.

[3] [(*2*) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the municipal fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street, and the portion of any connecting drain so laid under the street shall vest in the corporation and be maintained and kept in repair by the Commissioner as a municipal drain.]

222. (*1*) The Commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the city, or, for the purpose of outfall or distribution of sewage, without the city. Powers for making drains.

(*2*) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in, any land wherein any municipal drain has been already lawfully constructed, or repair or alter any municipal drain so constructed.

---

[1] This section was added by s. 11 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This section was re-numbered section 221, sub-section (*1*), by s. 12 (*1*), *ibid.*

[3] Sub-section (*2*) was inserted by s. 12 (*2*), *ibid.*

(*3*) In the exercise of any power under this section, as little damage as can be shall be done, and compensation shall be paid by the Commissioner to any person who sustains damage by the exercise of such power.

Buildings, etc., not to be erected without permission over drains.

223. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed, over any municipal drain.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Alteration and discontinuance of drains.

224. (*1*) The Commissioner may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary :

(*2*) Provided that the discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person, and, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

Cleansing drains.

225. (*1*) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(*2*) For the purpose of flushing, cleansing and emptying the said drains, the Commissioner may, when authorized by the corporation in this behalf, construct or set up such reservoirs, sluices, engines and other works, as he shall from time to time deem necessary.

226. [*Repealed by Bom. V of 1905.*]

Drains of Private Streets and Drainage of Premises.

Power to connect drains of private streets with municipal drains.

227. The owner of a private street shall be entitled to connect the drain of such street with a municipal drain, subject to the following conditions, namely—

(*a*) before commencing to construct such drain, the owner of the street shall submit to the Commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn, to such a convenient scale as the Commissioner shall require, and these shall be shown

on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall be proceeded with without the approval in writing or contrary to the directions of the Commissioner;

(*b*) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication in all respects, as the Commissioner, with the approval of the standing committee, shall direct;

(*c*) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Power of owners and occupiers of premises to drain into municipal drains.

228. The owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain [1] [or other place legally set apart for the discharge of drainage,] provided that he first obtains the written permission of the Commissioner and that he complies with such conditions as the Commissioner prescribes as to the mode in which and the superintendence under which [2] [connections with municipal drains or other places aforesaid] are to be made.

Connections with municipal drains not to be made except in conformity with section 227 or 228.

229. No person shall, without complying with the provisions of section 227 or 228, as the case may be, make or cause to be made any connection of a drain belonging to himself or to some other person with any municipal drain [1] [or other place legally set apart for the discharge of drainage]; and the Commissioner may, with the approval of the standing committee, close, demolish, alter or re-make any such connection made in contravention of this section, and the expenses incurrred by the Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending.

---

[1] These words were inserted by s. 14 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were substituted for the words "the communications between drains not belonging to the corporation and municipal drains" by s. 15 *ibid.*

Buildings, etc., not to be erected without permission over any drains.

[1] [**229A.** (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected over any drain.

(*2*) If any building, wall or other structure be so erected, the Commissioner, after giving the offending person ten days' notice of his intention, may apply for the approval of the standing committee and may with their approval remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.]

Right of owners and occupiers of premises to carry drains through land belonging to other persons.

230. (*1*) If it shall appear to the Commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can cause his drain to empty into a municipal drain [2] [or other place legally set apart for the discharge of drainage,] is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection, may, with the approval of the standing committee, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

(*2*) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(*3*) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may, after giving to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

---

[1] This section was inserted by s. 5 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] These words were inserted by s. 14 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

(*4*) In executing any work under this section, as little damage as can be shall be done, and the owner or occupier of premises [1] [for the benefit of which] the work is done shall—

(*a*) cause the work to be executed with the least practicable delay ;

(*b*) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction, opened, broken up or removed for the purpose of executing the said work ;

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

(*5*) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the Commissioner shall, with the approval of the standing committee, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same : Provided that no such requisition shall be made, unless, in the opinion of the standing committee, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

Owner of land to allow others to carry drains through the land.

[2] [**230A.** Every owner of land shall be bound to allow any person, in whose favour an order has been made under section 230, sub-section (*1*), to carry a drain into, through or under the land of such owner on such terms as may be prescribed in such order.]

Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.

231. Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

(*a*) to make a drain of such material, size and description and laid at such level [3] [and according to such alignment] and with such fall

---

[1] These words were substituted for the words "by whom or in whose behalf" by s. 16 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This section was inserted by s. 6 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[3] These words were inserted by s. 17 (*a*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid:

[1] [Provided that, where any premises have already been drained under municipal rules and have to be re-drained, no such requisition shall be made without the previous sanction of the standing committee ;]

(*b*) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ;

(*c*) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.

232. (*1*) Where any premises are, in the opinion of the Commissioner without sufficient means of effectual drainage, but no municipal drain or such place as aforesaid is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

[2] [(*a*) to construct a drain up to a point to be prescribed in such notice, but not distant more than one hundred feet from some part of the said premises, or

(*b*) to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such fall as the Commissioner thinks necessary, and drain or drains emptying into such cesspool].

[3] [(*2*) Any requisition for the construction of any drain under sub-section (*1*) may comprise any detail specified in clause (*a*), (*b*) or (*c*) of section 231.]

Power of Commissioner to drain premises in combination.

[4] [**232A.** (*1*) Where the Commissioner is of opinion that any group or block of premises, any part of which is situate within one hundred feet of a

---

[1] This proviso was added by s. 17 (*b*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] Clauses (*a*) and (*b*) of s. 232 were substituted for the words "to make a drain emptying into a covered cesspool" by s. 18 (*a*) *ibid.*

[3] Sub-section (*2*) was substituted by s. 18 (*b*) *ibid.*

[4] This section was inserted by s. 19 *ibid.*

municipal drain, or other place legally set apart for the discharge of drainage, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the Commissioner may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expenses incurred by the Commissioner in so doing shall be paid by the owners of such premises in such proportions as the standing committee may think fit.

(2) Not less than fifteen days before any work under this section is commenced, the Commissioner shall give written notice to the owners of all the premises to be drained, of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (*1*) shall be the joint owners of every drain constructed, erected or fixed, or continued, for the special use and benefit only of such premises, and shall, in the proportions in which it is determined that the owners of such premises are to contribute to the expenses incurred by the Commissioner under sub-section (*1*), be responsible for the expense of maintaining every such drain in good repair and efficient condition, but every such drain shall from time to time be flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund.]

Commissioner may close or limit the use of existing private drains.

233. (*1*) Where a drain connecting any premises with a municipal drain [1] [or other place legally set apart for the discharge of drainage] is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of the city, [2] [or of the part of the city in which such drain is situated], the Commissioner, with the approval of the standing committee, may—

(*a*) subject to the provision of sub-section (*2*), close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done;

---

[1] These words were inserted by s. 14 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 20 (*a*) *ibid.*

[1][(*b*) direct that such drain shall, from such date as he prescribes in this behalf, be used for sullage and sewage only, or for rain-water only, or for unpolluted sub-soil water only, or for both rain-water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for rain-water or unpolluted sub-soil water, or for both rain-water and unpolluted sub-soil water, or for sullage and sewage.]

(*2*) No drain may be closed, discontinued or destroyed by the Commissioner under clause (*a*), except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain [2][or other place aforesaid] which the Commissioner thinks fit; and the expenses of the construction of any drain so provided by the Commissioner and of any work done under clause (*a*) shall be paid by the Commissioner.

(*3*) Any requisition made by the Commissioner under clause (*b*) may embrace any detail specified in clause (*a*) or clause (*b*) of section 231.

Vesting and maintenance of drains for sole use of properties.

[3][**233A.** Subject to the provisions of sub-section (*2*) of section 221, every drain which has been constructed, [4][laid], erected or set up, whether at the expense of the corporation or not, or which is continued, for the sole use and benefit of any premises [5][or group of premises] shall—

(*a*) notwithstanding anything contained in section 242, vest in the owner of such premises [6][or group of premises] on and from the thirtieth day of September 1905; and

[7][(*b*) be provided with all such further appliances and fittings as may appear to the Commissioner necessary for the more effectual working of the same, and also be maintained in good repair and efficient condition by the owner of such premises or group of premises, and be from time to time flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund].]

---

[1] This clause was substituted by s. 20 (*b*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 14 (*2*), *ibid.*

[3] This section was inserted by s. 21, *ibid.*

[4] The word "laid" was inserted by s. 7 (*a*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[5] These words were inserted by s. 7 (*b*), *ibid.*

[6] These words were inserted by s. 7 (*c*), *ibid.*

[7] This clause was substituted by s. 7 (*d*), *ibid.*

New buildings not to be erected without drains.

234. (*1*) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed of such size, materials and description, at such level and with such fall, as shall appear to the Commissioner to be necessary for the effectual drainage of such building ;

(*b*) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(*2*) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from [1][the premises in which such building is situated;] but if no such drain or place is within that distance, then such drain shall empty into such cesspool as the Commissioner directs.

Excrementitious matter not to be passed into cesspool.

235. No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under section 232 or section 234, or into any drain communicating with any such cesspool.

Obligation of owners of drains to allow use thereof or joint ownership therein to others.

236. Every owner of a drain connected with a municipal drain [2][or other place legally set apart for the discharge of drainage] shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 238.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

237. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner, for permitting his use of the drain, or may apply to the

---

[1] These words were substituted for the words "such building" by s. 22 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 14 (*1*), *ibid.*

Commissioner for authority to use such drain or to be declared joint owner thereof.

Commissioner may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

238. (*1*) [1][Where the Commissioner is of opinion, whether on receipt of such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid, but belonging to some person other than the said owner or occupier] the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, with the approval of the standing committee, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorize the [2][said owner or occupier] to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the [2][said premises] with the [3][communicating drain] and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the joint drain, or otherwise, as may appear to him equitable.

(*2*) Every such order bearing the signature of the Commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate, with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for—

(*a*) connecting the two drains ; or

(*b*) renewing, repairing or altering the connection ; or

(*c*) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing, cleaning or emptying the joint drain or any part thereof.

---

[1] These words were substituted for the words "On receipt of any such application" by s. 23(*a*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were substituted for the word "applicant" by s. 23 (*b*) (*i*) *ibid.*

[3] These words were substituted for the words "drain to which his application refers" by s. 23 (*b*) (*ii*), *ibid.*

(*3*) In respect of the execution of any work under sub-section (*2*), the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (*4*) of section 230.

Sewage and rain water drains to be distinct.

239. Whenever it is provided in this chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Commissioner to require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rain-water or unpolluted sub-soil water or for both rain-water and unpolluted sub-soil water, each emptying into separate municipal drains [1][or other places legally set apart for the discharge of drainage] or other suitable places.

Drains not to pass beneath buildings.

240. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the standing committee, either generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

Position of cesspools.

[2] [**241.** No person shall construct a cesspool—

(*a*) beneath any part of any building, or within twenty feet of any lake, tank, reservoir, stream, spring or well; or

(*b*) upon any site or in any position which has not been approved in writing by the Commissioner.]

Right of corporation to drains, etc., constructed, etc. at charge of municipal fund on premises not belonging to the corporation.

242. All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the municipal fund upon premises not belonging to the corporation, whether before or after the passing of this Act, and [3][otherwise than for the sole use and benefit of the said premises] shall, unless the corporation has otherwise determined or shall at any time otherwise determine, vest, and be deemed to have always vested, in the corporation.

All drains and cesspools to be properly covered and ventilated.

243. (*1*) Every drain and cesspool, whether belonging to the corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

---

[1] These words were inserted by s. 14 (*1*) the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This section was substituted by s. 24 *ibid.*

[3] These words were substituted for the words "whether for the use of the owner for occupier of the said premises or not" by s. 25 *ibid.*

(*2*) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the corporation.

Affixing of pipes for ventilation of drains, etc.

244. (*1*) For the purpose of ventilating any drain or cesspool, whether belonging to the corporation or to any other person, the Commissioner may erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary [1] [and cut through any projection from any building (including the eaves of any roof thereof) in order to carry up such shaft or pipe through any such projection; and lay in, through, or under any land, such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated]:

(*2*) Provided that any shaft or pipe so erected or affixed shall—

(*a*) be carried at least [2] [fifteen] feet higher than any sky-light or window situated within a distance of [2] [forty] feet therefrom;

(*b*) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave;

(*c*) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood;

(*d*) be removed by the Commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

(*3*) If the Commissioner declines to remove a shaft or pipe under clause (*d*), the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Chief Judge of the Small Cause Court; and the said Chief Judge may, after such inquiry as he thinks fit to make, direct the Commissioner to remove the shaft or pipe, and it shall be incumbent on the Commissioner to obey such order.

---

[1] These words were added by s. 26 (*a*) of the City of Bomba Municipal (Amendment), Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were substituted for the words "ten" and "twenty" respectively by s. 26 (*b*), *ibid.*

[1] [(*d*) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (*l*) is not the owner of the drain or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the municipal fund.]

Disposal of Sewage.

Appointment of places for emptying of drains and disposal of sewage.

245. The Commissioner may cause all or any municipal drains to empty into the sea or other place, whether within or without the city, and dispose of the sewage at any place, whether within or without the city, and in any manner, which he shall deem suitable for such purpose: Provided that—

(*a*) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied, or dispose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the corporation;

(*b*) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance;

(*c*) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which Government shall think fit to disallow.

Provision of means for disposal of sewage.

246. (*1*) For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Commissioner may, when authorized by the corporation in this behalf—

(*a*) construct any work within or without the city;

(*b*) purchase or take on lease any land, building, engine, material or apparatus, either within or without the city;

(*c*) enter into an arrangement with any person for any period not exceeding twenty years, for the removal or disposal of sewage [2][within or without the city]:

(*2*) Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

---

[1] Sub-section (*d*) of section 244 was added by s. 26 (*c*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were added by s. 27 *ibid.*

Water-closets, Privies, Urinals, etc.

Construction of water-closets and privies.

[1] [**246A.** (*1*) It shall not be lawful to construct any water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any by-law for the time being in force as he may prescribe.

(*2*) In prescribing any such terms the Commissioner may determine in each case—

(*a*) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other; and

(*b*) what shall be the site or position of each water-closet or privy.

(*3*) If any water-closet or privy is constructed on any premises in contravention of sub-section (*1*), the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or privy, and, with the previous approval of the standing committee, alter or demolish the same, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.]

Water-closet and other accommodation in buildings newly erected or re-erected.

[1][**247.** (*1*) It shall not be lawful newly to erect or to re-erect any building for or intended for human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy accommodation, and such urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils, as the Commissioner may prescribe.

(*2*) In prescribing any such accommodation the Commissioner may determine in each case—

(*a*) whether such building shall be served by the water-closet or by the privy system, or partly by one and partly by the other;

(*b*) what shall be the site or position of each water-closet, privy, urinal, or bathing or washing place, and their number.]

Where there is no such accommodation or the accommodation is insufficient or objectionable.

[1][**248.** (*1*) Where any premises are without a water-closet, or privy, or urinal, or bathing or washing place, or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation available for the persons occupying or employed in any

[1]Sections 246A, 247 and 248 were substituted for sections 247 and 248 by s. 28 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

premises is insufficient, inefficient, or on any sanitary grounds objectionable, the Commissioner may, with the previous approval of the standing committee, by written notice, require the owner of such premises—

(*a*) to provide such, or such additional, water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes;

(*b*) to make such structural or other alterations in the existing water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes; or

(*c*) to substitute water-closet accommodation for any privy accommodation.

(*2*) Provided that where the water-closet, privy, urinal, or bathing or washing place accommodation of any premises—

(*a*) has been, and is being, used in common by the persons occupying or employed in such premises and any one or more other premises, or

(*b*) is in the opinion of the Commissioner likely to be so used,

the Commissioner may, if he is of opinion that such accommodation is sufficient to admit of the same being used by all the persons occupying or employed in all such premises, direct in writing that separate water-closet, privy, urinal or bathing or washing place accommodation need not be provided on or for each of such other premises.

(*3*) Provided also that the Commissioner may, if he is of opinion that there is sufficient municipal latrine accommodation available for all the persons occupying or employed in any premises, direct that separate water-closet, privy or urinal accommodation need not be provided for such premises.

(*4*) Any requisition under sub-section (*1*) may comprise any detail specified in sub-section (*2*) of section 247.]

Power to require privy accommodation to be provided for factories, etc.

249. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, railway station, dock, wharf or other place of public resort, or as a place in which persons exceeding twenty in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex.

Power of Commissioner as to unhealthy privies.

[1][**249A.** Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building, to cause

[1] This section was inserted by s. 29 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

injury to the health of any person occupying such building, the Commissioner, with the previous approval of the standing committee, may, by written notice, require the owner or occupier of the premises in or on which such privy is situate either—

(*a*) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or

(*b*) to provide between the said privy and any portion of the said building such air-space, not exceeding three feet in width, open to the sky, and situate entirely within the limits of the said premises as the Commissioner may prescribe.]

Provisions as to privies.

250. (*1*) The owner or occupier of any premises on which there is a privy shall—

(*a*) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air-space of at least three feet in width and open to the sky;

(*b*) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by;

(*c*) unless and except for such period as he shall be permitted by the Commissioner, under the power next hereinafter conferred, to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street.

(*2*) Provided that the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street, if a nuisance is not thereby created.

(*3*) Provided also that clause (*a*) shall not be deemed to apply to any privy in existence when this Act comes into force, unless—

(*d*) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause; and

(*e*) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy.

251. The owner or occupier of any premises on which there is a water-closet shall— Provisions as to water-closets.

(*a*) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient;

(*b*) have such water-closet in such a position that one of its sides at the least shall be an external wall;

(*c*) have the seat of such water-closet placed against an external wall;

(*d*) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance;

(*e*) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary: Provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.

[1][**251A.** No person shall build a privy or water-closet in such a position or manner as— Position of privies and water-closets.

(*a*) to be directly over or directly under any room or part of a building other than another privy or water-closet or a bathing place, bath-room or terrace;

(*b*) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in a natural or manufactured state) for human consumption or domestic purposes, or otherwise render the water of any well, spring, tank or stream liable to pollution.]

[2] [**251B.** No person shall use or permit to be used as a bathing place or as a place for washing clothes or domestic utensils, any part of any premises Use of places for bathing, or washing

[1] This section was inserted by s. 30 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act. 5 of 1905), Vol. IV of this Code.

[2] This section was inserted by s. 31 *ibid.*

clothes or domestic utensils.

which has not been provided with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.]

Public necessaries.

252. The Commissioner shall provide and maintain, in proper and convenient situations and on sites vesting in the corporation, water-closets, latrines, privies and urinals and other similar conveniences for public accommodation.

Inspection.

Drains, etc., not belonging to the corporation to be subject to inspection and examination.

253. All drains, ventilation-shafts and pipes, cesspools, house-gullies, water-closets, privies, latrines and urinals and bathing [1] [and washing places] which do not belong to the corporation, or which have been constructed, erected or set up at the charge of the municipal fund on premises not belonging to the corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

Power to open ground, etc., for purposes of such inspection and examination.

254. For the purpose of such inspection and examination, the Commissioner may cause the ground or any portion of any drain or other work exterior to a building or, with the approval of the standing committee, any portion of a building, which he shall think fit to be opened, broken up or removed: Provided that in the prosecution of any such inspection and examination as little damage as can be shall be done.

When the expenses of inspection and examination are to be paid by the Commissioner.

255. If upon any such inspection and examination as aforesaid it shall be found that the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal [2] [or bathing or washing place] examined is in proper order and condition, and that none of the provisions of this chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner.

When the expenses of inspection and examination are to be paid by the owner.

256. But if it shall be found that any drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal [2] [or bathing or washing place] so examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or except when the same has

[1] These words were inserted by s. 32 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 32 (*2*) *ibid.*

been constructed by or under the order of the Commissioner, if it has been constructed in contravention of any of the provisions of this chapter or of any enactment at the time in force,

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

[1][**257.** (*1*) When the result of such inspection and examination as aforesaid is as described in section 256, the Commissioner may— Commissioner may require repairs, etc., to be made.

(*a*) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situate, or for the benefit of which the same has been constructed, erected or set up,

(*i*) to close or remove the same or any encroachment thereupon, or [2][subject to the proviso to clause (*c*) of section 258, to remove any projection over the same, or]

(*ii*) to renew, repair, cover, recover, trap, ventilate, pave and pitch or take such other order with the same as he shall think fit to direct and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination, and

(*b*) without notice, close, fill up or demolish any drain by which sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions of this Chapter, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(*2*) Any requisition under clause (*a*) of sub-section (*1*) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for the exclusive use and benefit of two or more properties, may include any extension thereof beyond such property or properties, if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.]

---

[1] This section was substituted by s. 33 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were added by s. 8 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

Costs of inspection and execution of works in certain cases.

[1][**257A.** In the case of any drain which has been constructed, erected or fixed, or which is continued, for the exclusive use and benefit of two or more premises and which is not—

(*a*) a drain constructed under section 233A, sub-section (*1*), or

(*b*) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under section 238, sub-section (*1*),

the expenses of any inspection and examination made by the Commissioner under section 253 and of the execution of any work required under section 257, whether executed under section 260 or not, shall be paid by the owners of such premises, in such proportions as shall be determined—

(*i*) by the standing committee if the aggregate amount of such expenses exceeds one hundred rupees, or

(*ii*) by the Commissioner if the aggregate amount of such expenses does not exceed one hundred rupees.]

General Provisions.

Prohibition of acts contravening the provisions of this Chapter or done without sanction.

258. No person shall—

(*a*) in contravention of any of the provisions of this Chapter or of any notice issued or direction given under this Chapter, or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine or urinal [2][or bathing or washing place,] or any trap, covering or other fitting or appliance connected therewith;

(*b*) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine or urinal [2][or bathing or washing place,] or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the provisions of this Chapter;

---

[1] This section was inserted by s. 34 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 32 (*2*) *ibid.*

(*c*) without the written permission of the Commissioner, make any [1] [projection over or] encroachment upon, or in any way injure or cause or permit to be injured, any drain, cesspool, house-gully, water-closet, privy, latrine or urinal [2] [or bathing or washing place]:

[3] [provided that nothing in this clause shall apply to any weather shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house ;]

(*d*) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth, ashes or any substance or matter by which or by reason of the amount of which such drain is likely to be obstructed ;

(*e*) pass, or permit or cause to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided ;

(*f*) cause or suffer to be discharged into any drain from any factory, bake-house, distillery, workshop or workplace, or from any building or place in which steam, water or mechanical power is employed, any hot water, steam, fumes or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.

When materials and work may be supplied and done under this Chapter for any person by the Commissioner.

259. (*1*) On the written request of any person who is required under any of the provisions of this Chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done ; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

(*2*) [*Repealed by Bom. V of 1905.*]

Work to be done by licensed plumber : permission to use as drain.

[4] [**259A.** (*1*) No person shall permit any work described in this Chapter to be executed except by a licensed plumber.

[1] These words were inserted by s. 9(*a*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] These words were inserted by s. 32 (*2*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] This proviso was added by s. 9 (*b*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[4] This section was inserted by s. 36 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(*3*) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in the form of Schedule S signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such works :

Provided that—

(*a*) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed—

(*i*) give permission for the filling in or covering over of such work, or

(*ii*) require that before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular in respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provision of this Act or of the by-laws under this Act.

(*4*) No person shall permit any such work to be used as a drain or part of a drain until—

(*a*) the pemission referred to in proviso (*b*) to sub-section (*3*) has been received, or

(*b*) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.]

Commissioner may execute certain works under this Chapter without

260. (*1*) The Commissioner may, if he thinks fit, cause any work described in [1] [this Chapter] to be executed by municipal or other agency

[1] These words were substituted for the words and figures " section 230, 231, 238, 256 or 257" by s. 37 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1906), Vol. IV of this Code.

under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same. allowing option to persons concerned of executing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund. Expenses in such cases by whom to be paid.

CHAPTER X.

WATER-SUPPLY.

Construction and Maintenance of Municipal Water-Works.

261. For the purpose of providing the city with a supply of water proper and sufficient for public and private purposes, the Commissioner, when authorized by the corporation in this behalf, may— General powers for supplying the city with water.

(*a*) construct and maintain water-works, either within or without the city, and do any other necessary acts ;

(*b*) purchase or take on lease any water-work or any water or right to store or to take and convey water, either within or without the city ;

(*c*) enter into an arrangement with any person for a supply of water.

262. The Commissioner shall manage all water-works belonging to the corporation—all which water-works are in this Act referred to as " municipal, water-works "—and maintain the same in good repair and efficient condition and shall cause all such alterations and extensions to be from time to time made in the said water-works as shall be necessary or expedient for improving the said works. Municipal water-works to be managed and kept in repair by the Commissioner.

263. (*1*) The Commissioner, and any person appointed by Government under section 264 in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-work, at all reasonable times— Power of access to municipal water-works.

(*a*) enter upon and pass through any land, within or without the city, adjacent to or in the vicinity of such water-works, in whomsoever such land may vest ;

(*b*) convey into and through any such land all necessary materials, tools and implements.